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COMMITTEE AGAINST TORTURE

Twenty-eighth session

SUMMARY RECORD OF THE PUBLIC PART* OF THE 521st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 13 May 2002, at 3 p.m.

Chairman: Mr. BURNS

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* The summary record of the closed part of the meeting appears as document CAT/C/SR.521/Add.1.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 7) (continued)

Conclusions and recommendations concerning the fourth periodic report of Norway (CAT/C/55/Add.4; CAT/C/XXVIII/Concl.4)

1. At the invitation of the Chairman, the members of the Norwegian delegation took places at the Committee table.

2. Mr. YU Mengjia, Country Rapporteur, read out the Committee's conclusions and recommendations concerning the fourth periodic report of Norway (CAT/C/55/Add.4), which were contained in document CAT/C/XXVIII/Concl.4.

3. Mr. LANGELAND (Norway) thanked the Committee for its efforts and said that he would transmit its conclusions and recommendations to the appropriate authorities of his country.

4. The Norwegian delegation withdrew.

The public part of the meeting was suspended at 3.15 p.m. and resumed at 5.10 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

Proposed amendments to the rules of procedure (continued) (CAT/C/3/Rev.3; CAT/C/XXVIII/Misc.4)

5. Mr. MAVROMMATIS, introducing some further amendments to the rules of procedure (CAT/C/3/Rev.3), contained in document CAT/C/XXVIII/Misc.4, said that they had been initiated by the difficulties the Committee had itself experienced and by similar recent amendments introduced by other treaty bodies, especially the Human Rights Committee, to their own rules of procedure. In his view, the rules of procedure relating to the consideration of reports and any follow-up thereto should be merely enabling rules rather than quasi-legal texts.

Rule 3 (Special sessions)

6. Mr. MAVROMMATIS said that, since the Committee decided to call special sessions solely to discuss urgent matters, he proposed inserting a phrase to that effect in the first sentence of paragraph 1. The rest of the paragraph would retain the standard wording outlining the circumstances under which special sessions could be convened, namely, on the initiative of the Chairman in consultation with the Bureau when the Committee was not in session; at the request of a majority of the Committee; or at the request of a State party. Paragraph 2 of the rule would remain unchanged.

7. Mr. EL MASRY, noting that Committee approval was required also for sessions convened on the initiative of persons other than the Chairman, said that the question of urgency came into play only where special sessions were convened on the initiative of the Chairman.

8. Mr. GONZÁLEZ POBLETE and Mr. MARIÑO MENÉNDEZ concurred.

9. Mr. RASMUSSEN said that, by their very nature, special sessions were always urgent. He proposed a simple amendment to the heading of rule 3 to read: "Special sessions for urgent matters".

10. Rule 3, as amended by Mr. Rasmussen, was adopted.

Rule 12 (Beginning of term of office)

11. Mr. MAVROMMATIS proposed the addition of a sentence at the end of the paragraph, namely, "The term of office of the members of the Committee shall expire upon the assumption of the duties of the newly elected members who replace them one day before the first meeting of the Committee under its new composition.", (option 1), or else "The Chairman, members of the Bureau and special rapporteurs may continue performing the duties assigned to them until one day before the first meeting of the Committee, composed of its new members, at which it elects its officers", (option 2).

12. Under the rule as currently worded, up to six months might pass when vital work could not be done because the Committee had no quorum.

13. Mr. EL MASRY said he agreed that some such amendment was needed, but wondered whether there might be a conflict between the Committee's rule and the State parties' procedure for electing the members of the Committee since the members' term of office ran for four years from 1 January.

14. Mr. CAMARA said that the length of the term of office was set by the Convention, but the Committee's rules of procedure were internal. The beginning of the term of office was not necessarily 1 January.

15. Mr. YU Mengjia said that, if rule 12 was read in conjunction with article 17, paragraph 5, of the Convention, the implication was that the members' terms of office must run from 1 January.

16. Mr. MAVROMMATIS said that the sentence in the current rule 12 covering the first election after the establishment of the Committee, in 1988, was of course defunct. The Committee might therefore prefer to replace the entire rule rather than merely add a new sentence.

17. The CHAIRMAN said he was advised by the Secretariat that deleting the current rule would mean that the terms of office of some serving members would exceed four years.

18. Ms. GAER suggested that a formula referring to "assumption of duties" rather than "term of office" might overcome that problem.

19. The CHAIRMAN said he agreed; the aim of the amendment was to avoid interruptions to the Committee's work. He took it, therefore, that the Committee wished to delete the current rule 12 and replace it by the first option proposed by Mr. Mavrommatis, subject to a slight change of wording to incorporate Ms. Gaer's suggestion

20. It was so decided.

Rule 61 (Establishment of subsidiary bodies)

21. Mr. MAVROMMATIS proposed that a new paragraph 3 be added to read: "The Committee may also appoint one or more of its members as special rapporteurs to perform such duties as mandated by the Committee."

22. The proposed new paragraph was a simple enabling rule.

23. Mr. MARIÑO MENÉNDEZ said that, if the amendment was adopted, the heading of the rule should be consequently amended to read "Establishment of subsidiary bodies and special rapporteurs".

24. The CHAIRMAN said he took it that the Committee wished to adopt the amendments proposed by Mr. Mavrommatis and Mr. Mariño Menéndez.

25. It was so decided.

26. Mr. GONZÁLEZ POBLETE said he wished to make it clear that, if necessary, the Chairman of the Committee might appoint such special rapporteurs when the Committee was not in session, in accordance with his general power to act on the Committee's behalf.

Rule 64 (Submission of reports)

27. Mr. MAVROMMATIS proposed the following amendments: in paragraph 1, the addition at the end of the sentence of the clause: "provided that, in appropriate cases, the Committee may consider the information contained in a recent report as covering information that should have been included in overdue reports", and, in paragraph 2, the addition of the phrase "as well as to methodology for consideration" after the word "contents" in the second line, and, at the end of the sentence, the words "and to that effect issue guidelines."

28. Under the provisions of the Convention, the periodicity of reports was mandatory. Strictly speaking, therefore, the Committee was acting *ultra vires* in allowing States parties to report at other intervals. The formula he proposed would allow the Committee to count more recent information from a State party as information that should have been included in an overdue report.

29. Mr. MARIÑO MENÉNDEZ suggested that the words "provided that" in the proposed amendment should be deleted and the clause become a new sentence starting with the words "In appropriate cases ...". He also suggested that the word "recent" be changed to "more recent".

30. Mr. MAVROMMATIS said that he was able to agree to those suggestions. With regard to paragraph 2, his proposed amendments merely constituted an enabling clause to allow the Committee to decide the most appropriate way of obtaining the information it required.

31. The CHAIRMAN said he took it that the Committee wished to adopt the amendments proposed by Mr. Mavrommatis as subamended by Mr. Mariño Menéndez.

32. It was so decided.

Rule 65 (Non-submission of reports)

33. Mr. MAVROMMATIS proposed that the word "transmit" in the third line of paragraph 1 be deleted and replaced by the words: "take such action as it deems appropriate including the transmission ...".

34. A new paragraph 3 should be added to read:

> "In appropriate cases the Committee may, at its discretion, notify the defaulting State party through the Secretary-General that it intends on a date specified in the notification to examine the measures taken by the State party to protect or give effect to the rights recognized in the Convention, and may make such general comments as it deems appropriate in the circumstances."

35. In the past, the Committee had limited itself to transmitting a reminder to States parties through the Secretariat. Most treaty bodies currently felt that more positive action was needed, such as a meeting with a State party to convince it to comply with its obligations under the Convention and an offer of help in cases of problems with submission. The new paragraph 3 would allow the Committee to deal with State party compliance in the absence of a report.

36. Mr. MARIÑO MENÉNDEZ suggested that the words "at its discretion", in the first line of the new paragraph 3, be deleted, since they seemed redundant.

37. Mr. MAVROMMATIS said he could accept that suggestion.

The meeting rose at 6 p.m.